

19.06.2026

Sl. No.126

Ct. No.237

Suman

CRR 2882 of 2025

With

CRAN 1 of 2026

With

CRAN 2 of 2026

Tanmoy Bhattacharyya

-vs-

The State of West Bengal and Anr.

Mr. K. Sarkar

Mr. Kallol Kumar Basu

Mr. Goutam Dinda

Ms. M. Das

..for the petitioner

Mr. Prantick Ghosh

Mr. Prasad Bhattacharyya

..for O.P. No.2.

Mr. Subir Ganguly

Mr. Sandeep Prasad Shaw

..for the State

Opposite Party No. 2 lodged a complaint on 27 June 2022 before the Inspector-in-Charge, Barasat Police Station, against the petitioner, alleging, inter alia, that the petitioner had obtained inclusion of his name in a licence for the retail sale of foreign liquor for off-premises consumption, issued by the Department of Excise, Government of West Bengal.

According to Opposite Party No. 2, who claimed to be the sole proprietor of the licence, an application for change in management was submitted through the online portal using confidential login credentials, including the user ID and password, for inducting the petitioner into the licence. Opposite Party No. 2 alleged that the petitioner, in conspiracy with others, fraudulently secured the

inclusion of his name in the licence by submitting an online application through the unauthorised use of the confidential user ID and password and by resorting to forgery. It was further alleged that, by such acts, the petitioner had cheated Opposite Party No. 2.

On the basis of the complaint lodged by Opposite Party No. 2, Barasat Police Station Case No. 462 of 2022, dated 13 July 2022, was registered under Section 420 of the Indian Penal Code.

Subsequent to the lodging of the FIR, Opposite Party No. 2 instituted WPA 17791 of 2023 challenging the order passed by the Excise Authority whereby the change in management had been approved and the petitioner's name had been included in the liquor shop licence. The said writ petition was dismissed by a Single Bench of this Court on August 8, 2023. The order passed by the learned Single Judge was thereafter challenged by Opposite Party No. 2 before the Division Bench. The Division Bench of this Court, however, disposed of the appeal, being MAT 1772 of 2023, with the following observations:

“3. From the communication sent by the Superintendent of Excise dated 17th June, 2020, it is seen that the change of management for induction of Sri Tanmoy Bhattacharyya into the licence was through dedicated online module using confidential ID and password.

4. Therefore, if according to the petitioner, an online fraud has been conducted, then the appellant should approach the concerned police authorities by way of an appropriate application for the matter to be investigated. Whether online fraud have been committed or not, cannot be examined by the Superintendent of Excise.

5. Therefore, the appeal and the connected application stand disposed of by giving liberty to the appellant to approach the concerned police authorities dealing with online frauds and if a complaint is lodged, the concerned police authorities are directed to investigate into the matter and subject to the outcome of the said complaint, it will be well open to the appellant to approach the excise authorities afresh.”

It is pertinent to note that, in the interregnum between the order passed by the learned Single Bench on 8 August 2023 and the order of the Division Bench dated 26 February 2024, the Investigating Agency submitted a Final Report Mistake of Fact (FRMF) in connection with Barasat P.S. Case No. 462 of 2022, dated 13 July 2022, before the jurisdictional Magistrate on 16 October 2023.

Be that as it may, pursuant to the liberty granted by the Division Bench, Opposite Party No. 2 once again lodged a complaint before Barasat Police Station on 24 May 2024. On the basis of the said complaint, Barasat P.S. Case No. 305 of 2024, dated 24 May 2024, was registered under Sections 406, 420, 465, 467, 468, and 471 of the Indian Penal Code. Following the registration of the FIR, an investigation was commenced, culminating in the submission of a charge sheet under the aforesaid penal provisions.

Aggrieved by the filing of the said charge sheet, the petitioner has preferred the present revisional application.

Mr. Kallol Kumar Basu, learned Advocate appearing on behalf of the petitioner, contended that, upon submission of the FRMF in connection with Barasat P.S. Case No. 462 of 2022, there remained no scope for a further investigation into the same set of allegations on the basis of a second FIR. It was strenuously argued that the learned Single Judge of this Court had already held that the application seeking inclusion of the petitioner's name in the licence bore an admitted signature. Consequently, according to the petitioner, the submission of a

charge sheet pursuant to the second FIR was unsustainable in law.

It was further submitted that, by its order dated 26 February 2024, the Division Bench had granted liberty to Opposite Party No. 2 to approach the Cyber Crime Wing of the Investigating Agency. However, the complaint was lodged before the Officer-in-Charge, Barasat Police Station. It was therefore argued that the investigation conducted pursuant thereto suffered from a jurisdictional infirmity.

I am unable to accept the aforesaid contentions advanced on behalf of the petitioner. The institution of the second FIR cannot be questioned since the same was registered pursuant to and in terms of the liberty granted by the Division Bench by its order dated 26 February 2024.

The Division Bench never directed that Opposite Party No. 2 should approach the Cyber Crime Wing of the Police. The FIR was not registered for any offence under the Information Technology Act, 2000. Upon investigation, the Investigating Agency did not find the commission of any offence under the provisions of the Information Technology Act, 2000. In such circumstances, there is no merit in the contention that the investigation ought necessarily to have been conducted by the specialised branch of the police dealing with cyber crimes and, therefore, the chargesheet should be quashed.

It further appears from the records that Opposite Party No. 2 filed a “Naraji” petition before the jurisdictional Magistrate on 2 July 2025 against the chargesheet filed in connection with

Barasat P.S. case no.305 of 2024. Learned Counsel appearing on behalf of Opposite Party No. 2 submitted before this Court that, although the learned Magistrate has concluded the hearing on the said “Naraji” petition, no order has yet been passed owing to the pendency of the present revisional application before this Court.

Having regard to the aforesaid facts and circumstances, I am not inclined to interfere with the charge sheet at this stage.

The learned Magistrate shall consider and dispose of the “Naraji” petition in accordance with law, without being influenced by any observations made in the present order.

In the event the petitioner is aggrieved by any order that may be passed, he shall be at liberty to avail himself of such remedies as may be available in law.

With the aforesaid observations, **CRR 2882 of 2025** is disposed of along with **CRAN 1 of 2026** and **CRAN 2 of 2026**.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)